

1 BELINDA K  
2 1986 Washington Avenue #A  
3 San Leandro, CA. 94577  
4 Phone (510) 352-1449  
5 Email kirk\_belinda@yahoo.com  
Pro Se  
In Pro Per Until Appointment  
Of Competent Counsel

Filed

FEB 2 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

IFP

NP

(5)

ADR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In the matter of J.H.

A MINOR,

BELINDA K., Mother of J.H.,

Petitioner and Respondent,

vs.

LORI JONES, CO-DIRECTOR; and

DAN KAPLAN, CO-DIRECTOR, and

ALAMEDA COUNTY SOCIAL  
SERVICES / CHILDREN AND FAMILY  
SERVICES, 24100 Amador Street,  
Hayward, California, 94544-1273,  
Respondents and Petitioners,

Real Parties in Interest  
Notified of this Removal

CV 12-00802

Motion also filed to relate with:

11-cv-01013-SBA

10-cv-02507-LHK

10-cv-05797-LHK

[ALAMEDA Superior Court Case  
HJ06005823]

**NOTICE OF REMOVAL**

Date: TBD  
Time: TBD.  
Dept.: Courtroom 4, 5th Floor

Before: Honorable LUCY H. KOH

1 KAMALA D. HARRIS,  
2 ATTORNEY GENERAL OF THE STATE  
3 OF CALIFORNIA  
4 1300 "I" Street, Sacramento, CA, 95814;

5 HONORABLE WILLIE LOTT, Judge,  
6 SUPERIOR COURT OF CALIFORNIA  
7 COUNTY OF ALAMEDA, sitting as a  
8 Juvenile Court;

9 , et al,

10 Real Parties In Interest

11 **NOTICE OF REMOVAL**

12 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

13 PLEASE TAKE NOTICE that Petitioner, Belinda K., hereby removes to this Court the  
14 State court action described below.

15 Pursuant to 28 U.S.C. §§ 1441, 1443(1) and 1446, Belinda K files this Notice of Removal  
16 of this case from the Superior Court of the State of California, County of Alameda to the United  
17 States District Court for the Northern District of California, San Jose Division. In support of this  
18 Notice of Removal, Belinda K., Petitioner, here/Respondent in the State Cause of actiion states  
19 as follows:

20 **CASE BACKGROUND AND FOUNDATION FOR REMOVAL**

- 21
- 22 1. On or about December 21, 2006, Petitioner's Alameda County Department of Social  
23 Services, (CPS/Child Protection Services), through their Social Workers and  
24 Alameda County Counsel commenced an action in the Superior Court of California,  
25 County of Alameda, sitting as a Juvenile Court, against Belinda K.,  
Petitioner/Respondent for alleged child abuse.
  - 26 2. The "CPS" Welfare and Institutions Code §300 complaint ("Complaint") sought to  
remove from Belinda K.'s custody, her son, as a result of allegations made by a  
school principal regarding parental abuse of Belinda K's son. The CPS action was  
brought and has so far succeeded in the removal of Belinda K.'s son from her custody  
and having him placed in the care of the State in various foster homes and group

1 homes, and currently in violation of the State of California's Settlement agreement  
2 reached because of a federal action under Katie A v. Bonta. The State of California is  
3 supposed to ensure that children in foster care are placed in Family foster care with  
4 wrap around services and not in the institutional -setting as is being done to Belinda  
5 K's minor son, because the institutional "group home" is a guaranteed dismal failure  
6 and does not work.

- 7 3. Presently, Belinda K., has been ORDERED to appear at a "Status Review" hearing  
8 scheduled for March 20, 2012. At a "Status Review," hearing Belinda K., has a right  
9 to be heard and to present evidence seeking the return of her son as the CPS Agency  
10 attempts to justify the continued need for the State to keep custody of her son.  
11 4. Belinda K., and her son are members of the Cow Creek band of Umpqua Indians, a  
12 Tribe of federally recognized American Indians. As such they are entitled to the  
13 protections and procedures of the Indian Child Welfare Act, ("ICWA") The United  
14 States Congress enacted ICWA under their plenary authority of the commerce clause  
15 and other authority of the United States Constitution. (Section 5 of the Fourteenth  
16 Amendment, providing authority for Congress to legislate to enforce the provisions of  
17 the Fourteenth Amendment.)  
18 5. In 2006, well before the CPS had any complaints regarding Belinda K., her minor  
19 son, or her family, she began regularly taking her son to her HMO for concerns  
20 regarding disturbing behavioral incidents of her son. Belinda K., her son and family  
21 were engaged in regular therapy with their doctors when a report was made to CPS  
22 from the school principal alleging that Belinda K.'s son was being abused by his  
23 parents.  
24 6. The State removed Belinda K.'s son from her custody upon the allegations of a  
25 school principal's allegation that the minor had, under her one-on-one interrogation  
26 admitted to being abused by his parents.  
27 7. In spite of the fact that the charging petition DID NOT allege any misconduct on the  
28 part of Belinda K., nor did it name any specific individual as the alleged perpetrator  
of "child abuse" against Belinda K.'s minor son, including the admission by County  
Counsel that the petition was deficient in its "necessary function" the Juvenile Court  
found the petition to be true, a legal impossibility.  
8. Because Belinda K., and her minor son are members of a federally recognized tribe  
of American Indian, the State of California is required to have "clear and convincing  
evidence" of misconduct BEFORE it can remove a child from an Indian parent and  
place the child in "involuntary foster care. See ICWA, 25 U. S. C. §1912(e).  
9. The only evidence presented to the Juvenile Court to support the allegations of child  
abuse has been the "inadmissible" hearsay, as found within the "reports" filed by the  
Alameda County Department of Social Services. None of the reports contains any  
declarations under oath, and all of the hearsay within these "reports" is considered

1 incompetent and inadmissible under the federal rules of evidence or even in any other  
 2 California Court under the California Evidence Code.

- 3 10. Such hearsay has been made competent by the California Legislature pursuant to  
 4 Welfare and Institutions Code §§ 355 and 281. These laws have been upheld and  
 5 defined as constitutional by the California Supreme Court in its published authority in  
 6 *In re Malinda S.* 52 Cal. 3d 368 (1990) [272 Cal. Rptr. 787, 795 P.2d 1244] There the  
 7 California Supreme Court stated that the “juvenile court may rely on “social studies”  
 8 prepared by the social worker when determining whether a minor falls within its  
 9 jurisdiction under Welfare and Institution Code section 300. We conclude the reports  
 10 are competent to support such a determination and accordingly affirm the decision of  
 11 the Court of Appeal so holding.” [footnotes and citations omitted]  
 12 11. Belinda K.’s minor child was taken from her because the State of California  
 13 maintains laws and rules that deprive her and she cannot enforce in the Courts of the  
 14 State of California her federal statutory rights designed by the United States  
 15 Congress pursuant to the Indian Child Welfare Act to protect her minority race from  
 16 the arbitrary and unreasonable interference of her familial relations.  
 17 12. The State of California’s laws deny Belinda K. her rights to fundamental procedural  
 18 “due process” as the State continues to empower its social services agencies to  
 19 exercise unreasonable State power in violation of her federal and constitutional rights  
 20 to protect her minority race from the abuse of the State of California, the very abuse  
 21 Congress sought to prevent under ICWA. See 25 U.S.C. §§ 1901, 1902. SEE ALSO:  
 22 **County of Sacramento v. Lewis, 523 U. S. 833 (1998).**  
 23 13. Currently, Belinda K., has been summoned to appear before the Alameda Superior  
 24 Court for a “Status Review” hearing, scheduled for March 20<sup>th</sup>, 2012. A true and  
 25 correct copy of the Minute Order and other pleadings are attached as Exhibit A and  
 26 incorporated by reference.  
 27 14. Belinda K., properly seeks to remove the State Court action to this federal forum  
 28 because she is denied and cannot enforce in the courts of the State of California the  
 specific provisions of the Indian Child Welfare Act designed to prevent the racial  
 animus of the State’s laws and Rules that are destroying her rights as granted to her  
 under ICWA, and in violation of 42 U.S.C. § 2000a-1, 42 U. S. C. §2000a-2, as  
 secured to her under the Fourteenth Amendment of the United States Constitution.  
 a. Belinda K., has a FIRST, NINTH, and FOURTEENTH Amendment right to  
 manage her family affairs and seek medical and other professional assistance  
 for her family without unjustified interference from the government.  
 i. According to the ICWA, 25 U.S.C. §1912(e), Belinda K., is entitled to  
 an evidentiary standard of “clear and convincing evidence” before the  
 State may interfere in her private family affairs. However, California  
 Law, WIC §§ 281and 355 deprives her, in a callous disregard of her  
 rights, by mandating that reports made to the State’s Juvenile Courts

1 “including the hearsay within” the reports is competent evidence for  
 2 the Juvenile Courts consideration of the cause. In particular the  
 3 Juvenile Courts consider the “out of court” hearsay of mandated  
 4 reporters, (i.e. Social Workers, Police Officers, Priests, School  
 5 Teachers, and Principals) of child abuse to be competent evidence  
 6 because they bear “indicia of reliability,” in direct contravention of the  
 7 authority of the United States Supreme Court as found in **Crawford v.**  
 8 **Washington 541 U. S. 36 (2004)**

- 9 b. Belinda K., is entitled pursuant to ICWA, 25 U.S.C. §1914, to Petition a  
 10 “court of competent jurisdiction” to invalidate State actions that violated any  
 11 provision of sections 1911, 1912, 1913 of Act<sup>1</sup>. [See Footnote 1] In a callous  
 12 disregard for Belinda K.’s federal statutory right to Petition for a redress of  
 13 grievance under the First Amendment of the US Constitution, and depriving  
 14 her of her federal statutory right to protect her race from improper State  
 15 action, under ICWA §25 U. S.C. §1914, the California Rules of Court  
 16 mandate that a petition to invalidate must be brought before the very same  
 17 judge and court that she alleges violated her rights in the first instance.

18 California Rules of Court, Rule 5.486(b) states: “If the Indian child is a  
 19 dependent child or ward of the juvenile court or the subject of a  
 20 pending petition, the juvenile court is a court of competent jurisdiction  
 21 with the authority to hear the request to invalidate the foster placement  
 22 or termination of parental rights.”

23 The California Rules make a man a judge in his own cause, depriving Belinda  
 24 K., of a “court of competent jurisdiction” in direct contradiction to the  
 25 authority of our Supreme Court as explained recently in **Caperton v. A. T.**  
 26 **Massey Coal Co. 129 U. S. 2252 (2009)** See also: **In re Murchison 349 U.**  
 27 **S. 133 (1955)**. A man cannot be a judge in his own cause. Due process  
 28 requires an impartial tribunal.

- 29 c. Belinda K., an indigent mother is entitled to competent appointed counsel  
 30 under 25 U.S.C. 1912(b). Belinda K., is deprived of, and cannot enforce her  
 31 right to competent counsel because of the state’s implementation of the  
 32 DRAFT program. The California Judicial Council has usurped the California

33 <sup>1</sup> Any Indian child who is the subject of any action for foster care placement or termination  
 34 of parental rights under State law, any parent or Indian custodian from whose custody such  
 35 child was removed, and the Indian child’s tribe may petition any court of competent  
 36 jurisdiction to invalidate such action upon a showing that such action violated any  
 37 provision of sections 1911, 1912, and 1913 of this title.

1 Legislature. Through its DRAFT program, by inviting participating counties,  
 2 and Alameda County is one, where the county can avoid all financial  
 3 obligations imposed by state law under Welfare and Institutions Code  
 4 ("WIC") §218, and deprive proper supervision of the appointed counsel's  
 5 work by the Juvenile Trial Officer as the law requires, the county saves  
 6 millions of dollars of expenses while the attorneys provide incompetent  
 7 services because the trial court no longer supervises the billing for services  
 8 rendered to the indigent parent.

9 The appointed attorneys in a conspiracy with the participating counties and  
 10 the Courts, deprive their clients of effective representation in an unethical and  
 11 unwritten agreement to NEVER provide any written [responsive] pleadings on  
 12 behalf of their indigent clients. In return they accept appointments for cases  
 13 well in excess of their ability to provide service for which they receive  
 14 appointment fees as a reward for their complicity. As well as NEVER  
 requesting funds for experts to properly defend their client's interests, and  
 uniformly depriving all of their clients of their appellate rights by failing to  
 file appellate briefs. It is an undisputed fact that in the First Appellate  
 District, for Alameda County, every single panel member has had every one  
 of their appeals dismissed for failure to file a brief on time. Absolutely no case  
 in the last four years has been heard on the merits.

15 The California Judicial Council, through its Administrative Office of the  
 16 Courts, publically admits to deliberate under-funding the already extremely  
 17 limited budget for appointed counsel, at more than 42 million dollars annually  
 18 for its known fixed costs, notwithstanding any requests by counsel for extra  
 19 needed funding for experts or services required to properly represent their  
 indigent clients.

20 Since California law (WIC §218) does make provision for the appointment of  
 21 counsel, and payment, Belinda K., who is entitled, under the ICWA, 25  
 22 U.S.C. §1912(b)<sup>2</sup> [see footnote 2 below] to funding from the Bureau of Indian  
 23 Affairs upon certification by the presiding judge, but is denied this funding  
 24 provision for reasonable expenses because of the operation of California's  
 25 DRAFT program, and Belinda K.'s appointed counsel has previously  
 26 deprived Belinda K., of a needed expert because of a lack of state funding.

---

27 <sup>2</sup> Where State law makes no provision for appointment of counsel in such proceedings, the  
 28 court shall promptly notify the Secretary upon appointment of counsel, and the Secretary,  
 upon certification of the presiding judge, shall pay reasonable fees and expenses out of  
 funds which may be appropriated pursuant to section 13 of this title.

1       15. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331,  
2       1343. Further, this matter is one that may be removed to this Court pursuant to 28  
3       U.S.C. § 1443(1) because any civil actions or criminal prosecutions, commenced in a  
4       State court may be removed by the defendant to the district court of the United States  
5       for the district and division embracing the place wherein it is pending:

6  
7       **§1443(1)** Against any person who is denied or cannot enforce in the courts of such State a  
8       right under any law providing for the equal civil rights of citizens of the United States, or  
9       of all persons within the jurisdiction thereof;

10      16. Venue is proper in this Court because the State Court Action is pending in Alameda  
11      County, California. See 28 U.S.C. § 1441(a).

12      17. Respondents/Petitioners in the Superior Court of California, County of Alameda,  
13      cause of action, are citizens of California:

- 14           a. Respondent/ Petitioner, Lori Jones is a citizen of Alameda County.  
15           b. Respondent/Petitioner, Dan Kaplan is a citizen of Alameda County.  
16           c. Respondent/ Petitioner,The Alameda Department of Social Services is a  
17           department of Alameda County, a political subdivision within the State of  
18           California.  
19           d. Real Party in Interest, Kamala Harris is the Attorney General of the State of  
20           California and is noticed because this action challenges the constitutionality of  
21           several California laws and rules that deprive or prevent Belinda K., from  
22           enforcing her federal statutory rights designed to protect her minority race  
23           from abusive government interference in violation of ICWA and the  
24           Fourteenth Amendment of the United States Constitution.  
25           e. Real Party in Interest, The Honorable Willie Lott, is the judicial officer  
26           assigned to the Juvenile Dependency case, who's compliance with State Law  
27           violates Belinda K., rights under ICWA, his actions violate 42 U. S. C. §  
28           2000a-1, 42 U. S. C. 2000a-2 and the protections of arbitrary government  
         action by the State under the FIRST, NINTH and Fourteenth Amendment of  
         the United States Constitution.

18. Petitioner/Respondent, Belinda K. is the mother of, J. H., her minor son and both are  
members of the Cow Creek band of Umpqua Indians of American Indians and she is  
a resident of Alameda County, California.

19. Belinda K., denies the allegations as made against her, claims that she has a right to  
seek medical help for assistance with her son's disturbing behaviors without having

the State use incompetent hearsay to unconstitutionally interfere into her familial relations and deprive her and her son of their FIRST Amendment rights to freedom of association and the right to procedurally proper and fair due process under the Fourteenth Amendment.

20. Given that Belinda K. has alleged that the State of California has laws and rules that deny and deprive her from enforcing the substantive and procedural due process protections granted to her under federal law and which foreclose her ability to enforce her due process rights in the Courts of the State of California this Court therefore has original jurisdiction over these federal rights and this action is properly removed under 42 U. S. C. §1443(1) and §1441.

## **OTHER ISSUES**

21. This Notice of Removal is timely filed. See 28 U.S.C. § 1446(b).
  22. Petitioner, Belinda K., has served a copy of this Notice of Removal on County Counsel, representing Respondents, Jones, Kaplan, and the Alameda County Department of Social Services.
  23. Petitioner Belinda K. has served a copy of this Notice of Removal on Kamala Harris, the Attorney General of the State of California because this action questions the constitutionality and discriminatory animus of California State laws violating Belinda K's rights and others similarly situated.
  24. A Notice of Filing of Notice of Removal to Federal Court (attached at Exhibit A) will be filed in the Superior Court of California, County of Alameda, sitting in session as a Juvenile Court, and upon the Honorable Willie Lott as soon as this Notice of Removal has been filed in this Court.

## **CONCLUSION**

Because Petitioners and Respondents are citizens of Alameda County, and Belinda K. has alleged that the laws and rules of the State of California violate her rights to procedural due process as granted under the Indian Child Welfare Act, and violate federal laws, 42 U. S. C. § 2000a-1, and 42 U. S. C. § 2000a-2, this Court has jurisdiction over Belinda K.'s claims pursuant to 28 U.S.C. § 1331. Belinda K. is therefore entitled to remove this case to this Court pursuant to 28 U.S.C. § 1443(1).

1 Wherefore, Belinda K. requests that the action now pending before the California  
2 Superior Court, County of Alameda, Case Number HJ06005823 be removed to this Court.  
3

4 AND WHEREFORE;

5 Petitioner, Belinda K., prays that this action be removed to the United States District  
6 Court for the Northern District of California, San Jose Division to be related to her  
7 other actions pending there and that this Court immediately review this case for  
8 Declaratory and Injunctive Relief, and referral to appropriate authorities for proper  
9 criminal investigations.

10 DATED: 2-19-12



11 Belinda K., In Pro Per

12 I declare under the penalty of perjury, under the laws of the State of California that  
13 the foregoing is true and correct.

14 

15 Belinda K., In Pro Per

Superior Court of California, County of Alameda  
San Leandro

In the Matter of J. H.

Court No. HJ06005823-01

DOB: [REDACTED]

(Abbreviated Title)

Minute Order

Department 403 Honorable Willie Lott, Judge  
Reporter Caleen Espinoza, CSR #10065

Court Clerk - James Rozal  
Court Reporter - Caleen Espinoza, CSR #10065  
Court Officer - Jamie Johnson-Glover  
Bailiff -

Hearing Date: February 02, 2012.

THE MATTER COMES BEFORE THE COURT FOR:  
Report And Review on New Dependency Petition - 300 Filed December 21, 2006

Minor J. H. appearing (by polycom) represented by Kristin Mateer.  
Petitioner Alameda County Social Services Agency appearing represented by Melinda Leong.  
Mother Belinda K. appearing represented by McGraw, M. Kathleen.  
Father Jason H. appeared by counsel Pouliot, David.  
Child Welfare Worker Tracey Fernandez appearing.  
Family friend appearing.

The Court has read and considered the report(s) from Social Services and said report(s) is/are admitted into evidence by reference: Status Review Report dated 09/29/2011; Interim Review Report dated 12/08/2011; Interim Review Report dated 01/07/2012.

ALLEGATIONS/CHARGES:

Allegation 1 (WI 300(c)) True as submitted on 01/02/2007  
Allegation 2 (WI 300(d)) True as submitted on 01/02/2007

Contested hearing requested by mother (as to visitations only).

THE COURT MAKES THE FOLLOWING FINDINGS:

Notice has been given as required by law, birth date and county of residence of minor has been determined.

The child's placement is necessary and appropriate.

The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent placement of the child.

Reasonable services have been provided by the Social Services Agency.

The permanent plan of placement with Families First and a specific goal of a less restrictive foster setting is appropriate and is so ordered as the permanent plan.

The likely date by which the child's specific goal will be achieved is 03/29/2012.

Minute Order

Court No. HJ06005823-01, In the Matter of J. H.

M648318

Superior Court of California, County of Alameda - San Leandro

In the Matter of J. H.  
Court No. HJ06005823-01  
Minute Order page 2

**THE COURT MAKES THE FOLLOWING ORDERS:**

Minor is continued as a dependent child of the Court.

Present order is continued.

Agency will not file any ex parte request for minor to travel out of state (for visits w/father) until after contested hearings.

Witness lists shall be exchanged at least 10 days prior to trial date.

The court adopts the findings and orders on pages 15 - 17 of the social worker's report dated 09/29/2011 and are incorporated as a part of this minute order.

The following parties are ordered to return to the courtroom: Mother.

Report And Review continued to 03/20/2012 01:30 PM in Department 403, Juvenile Justice Center, 2500 Fairmont Drive, San Leandro.

Review of Visitations (CONTESTED) scheduled on 03/20/2012 01:30 PM in Department 403, Juvenile Justice Center, 2500 Fairmont Drive, San Leandro.

Report And Review continued to 03/23/2012 09:00 AM in Department 403, Juvenile Justice Center, 2500 Fairmont Drive, San Leandro.

Review of Visitations (CONTESTED) scheduled on 03/23/2012 09:00 AM in Department 403, Juvenile Justice Center, 2500 Fairmont Drive, San Leandro.

Minutes of 02/02/2012  
Entered on 02/02/2012

By   
Facsimile

Judge

---

Minute Order  
Court No. HJ06005823-01, In the Matter of J. H.

M648318

1 Belinda K.  
2 1986 Washington Avenue, Apt. A  
3 San Leandro, CA 94577  
4 Ph. (510) 352-1449  
In Pro Per Until Appointment  
Of Competent Counsel

5  
6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7 COUNTY OF ALAMEDA  
8 SITTING IN SESSION AS A JUVENILE COURT

9  
10  
11 In the matter of J.H.  
12 A MINOR, by his next friend  
13 BELINDA K., Mother of J.H., individually  
14 and as next friend  
15 Petitioners and Respondent,

} CASE No. \_\_\_\_\_  
Case Nos.: **10-CV-05797-LHK**  
Motion also filed to relate with:  
**11-cv-01013-SBA**  
**10-cv-02507-LHK**  
**10-cv-05797-LHK**

16 vs.  
17 LORI JONES, CO-DIRECTOR; and  
18 DAN KAPLAN, CO-DIRECTOR, and

**ALAMEDA SUPERIOR  
COURT case #HJ06005823**

19  
20 ALAMEDA COUNTY SOCIAL  
21 SERVICES / CHILDREN AND FAMILY  
22 SERVICES, 24100 Amador Street,  
23 Hayward, California, 94544-1273,  
24 Respondents and Petitioners

Date:  
Time:  
Dept.: Courtroom 4

25  
26 Real Parties in Interest  
27 Notified of this Removal

Before: Honorable LUCY H. KOH

1  
2 KAMALA D. HARRIS,  
3 ATTORNEY GENERAL OF THE STATE  
4 OF CALIFORNIA, in her individual  
5 capacity, and Official Capacity as Attorney  
6 General of the State of California,  
7 1300 "I" Street, Sacramento, CA, 95814;

8  
9 HONORABLE WILLIE LOTT, Judge,  
10 SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF ALAMEDA, sitting as a  
12 Juvenile Court;

13 , et al,  
14 Real Parties In Interest

---

15 **NOTICE OF REMOVAL TO FEDERAL COURT**

16 TO THE ABOVE -ENTITLED COURT, CLERK OF THE COURT AND ALL  
17 PARTIES AND ATTORNEYS OF RECORD:

18  
19 **PLEASE TAKE NOTICE THAT** a Notice of Removal of this action was filed in the  
20 United States District Court, for the Northern District of California, San Jose Division, on  
21 FEBRUARY 21, 2012, in accordance with 28 U. S. C. §§ 1441, 1446.

22 BY OPERATION OF FEDERAL LAW effective upon the filing of this notice of  
23 removal pursuant to 28 U. S. C. § 1443(1) and 28 U. S. C. § 1446, with the Clerk of the  
24 Court, for the UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF  
25 CALIFORNIA, SAN JOSE DIVISION, **the State Court shall act no further unless**  
26 **and until remanded back to its jurisdiction by Order of the Federal District Court.**

1 **BY OPERATION OF LAW THIS COURT NO LONGER HAS JURISDICTION**  
2 **OVER THIS MATTER UNLESS AND UNTIL THE FEDERAL COURT**  
3 **REMANDS THIS CASE IN WHOLE OR IN PART BACK TO THIS FORUM.**

4  
5 A copy of said Notice of Removal, as filed in the Federal District Court is attached to this  
6 Notice, as Exhibit A, and is served and filed herewith.

7  
8 Dated: 2/19/12

9 By Belinda Kirk

10 Belinda K., In Pro Per

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28